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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,405	08/21/2001	Robert James Sandman	26099-5	8110
24256	7590	01/14/2005	EXAMINER	
DINSMORE & SHOHL, LLP 1900 CHEMED CENTER 255 EAST FIFTH STREET CINCINNATI, OH 45202			HU, JINSONG	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/934,405

Applicant(s)

SANDMAN ET AL.

Examiner

Jinsong Hu

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/21/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-20 are presented for examination.
2. Claim 5 is objected to because it is uncertain whether this claim depends on claim 1. Correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7 and 16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Elwell et al. (US 6,216,196).

5. As per claim 1, Elwell teaches the invention substantially as claimed including a method of communicating with computing devices [Fig. 3], having executable instructions comprising of receiving a request from an application to access a device [col. 4, lines 40-48]; issuing a single media present command to a device driver of the

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device, if a media present flag is set to false and receiving the media present flag from the device driver and passing the request to the device driver if the media present flag is set to true [col. 5, lines 5-34].

6. As per claim 2, Elwell teaches locking the device driver's access to the request until the media present flag is set to true [col. 5, line 65- col. 6, line 5; col. 6, lines 37-46].

7. As per claim 3, Elwell teaches setting the media present flag to false after the request completes [col. 7, lines 52-56].

8. As per claim 4, Elwell teaches the request includes at least one of one or more read commands associated with a media in the device and one or more write commands associated with data to write to the media [col. 4, lines 40 –col. 5, line 3].

9. As per claim 5, Elwell teaches notifying the application if the received media present flag is set to false [350, Fig. 4].

10. As per claims 6 and 7, Elwell teaches the application resides on a first computing device and the device is in communication with the first computing device via a Universal Serial Bus [col. 3, lines 60-64] and the device shares the Universal Serial Bus

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with one or more second devices [Fig. 3; col. 5, lines 50-56].

11. As per claim s 16-20, since they are system claims of claims of 1-2, 4 and 6-7, they are rejected for the same basis as claims 1-2, 4 and 6-7.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 8-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elwell et al. (US 6,216,196) as applied to claims 1-7 and 16-20 above, in view of "Official Notice".

14. As per claims 8-10 and 15, Elwell teaches the invention substantially as claimed including a method of intercepting commands issued to a device driver, having executable instructions comprising of receiving a call intended for a device driver from an operating system application; and releasing the call to a device driver for resolution if the media present flag is set to true [col. 6, lines 15-45; col. 7, lines 25-51].

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15. Elwell additionally teaches a waiting state if the is False [col. 6, lines 6-26]. Elwell does not specifically teach buffering the call and deleting the buffering call after the call released. "Official Notice" is taken that both the concept and advantages of providing for buffering and deleting call is well known and expected in the art. It would have been obvious to a person of ordinary skill in the art include buffering requesting with Elwell's system because it would increase the efficiency of the system by avoiding recomposing a new call when the driver is available.

16. As per claim 11, Elwell teaches setting the media present flag to false once the call is completely released to the device driver when the media present flag is set to true [col. 5, lines 14-16].

17. As per claim 12, Elwell teaches the call includes one or more instructions to the device driver [col. 4, lines 40 –col. 5, line 3].

18. As per claims 13 and 14, Elwell teaches the call shares a communication channel with one or more second calls [col. 8, lines 22-25].

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Thomson (US 5,987,530) discloses a USB caching system;

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Luke et al. (US 6,505,267) discloses a USB peripheral bridge;

Larson et al. (US 6,658,515) discloses a data transaction system; and

Natio et al. (US 6,671,744) discloses a driver access control system.

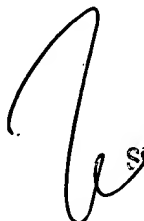
20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (571) 272-3965. The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jinsong Hu

January 7, 2005

 **JOHN FOLLANSBEE**
SUPERVISORY PATENT EXAMINER
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